

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

RICHARD W. DEOTTE <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Case No. 4:18-CV-00825-Y
	)	
v.	)	
	)	
ALEX M. AZAR II, in his official	)	
capacity as Secretary of Health and	)	
Human Services <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO RESPOND TO COMPLAINT**

TO THE HONORABLE REED O'CONNOR, UNITED STATES DISTRICT JUDGE  
PRESIDING:

Defendants respectfully move this Court for an extension of time until January 25, 2019 to respond to the complaint in this action. In support of this motion, Defendants, through undersigned counsel, state the following:

1. The requested extension is the culmination of a series of negotiations between counsel for the parties during the past two weeks regarding how the present action should proceed in the near term.
2. This case presents a challenge to the contraceptive-coverage mandate ("the mandate") of the Affordable Care Act. The plaintiffs – four individuals and a business – allege that, as applied to them, the mandate violates the Religious Freedom Restoration Act and the Administrative Procedure Act.

3. Last month, in an attempt to resolve ongoing litigation over the mandate, the Departments of Health and Human Services (“HHS”), Labor, and the Treasury promulgated final rules expanding the regulatory exemption to the mandate. These rules will expand the existing religious exemption to a broader range of individuals and entities with sincere religious objections to providing contraceptive coverage, and create an exemption for certain individuals and entities with moral objections to providing such coverage. *See* 83 Fed. Reg. 57,536 (Nov. 15, 2018) (religious exemption); 83 Fed. Reg. 57,592 (Nov. 15, 2018) (moral exemption). These rules take effect in mid-January. *See* 83 Fed. Reg. at 57,536; 83 Fed. Reg. at 57,592.
4. The promulgation of these new rules directly affects the availability of exemptions to the contraceptive-coverage mandate for individuals and entities with sincere religious and moral objections to providing contraceptive coverage, and thus may impact the claims at issue in this litigation
5. In order for Defendants to assess the extent to which the new rules may result in changed circumstances affecting the claims in this action, and to prepare an appropriate response that takes into account such changed circumstances, Defendants are requesting an extension of time to respond to the complaint.
6. Furthermore, producing a response to the complaint in this action involves a significant degree of coordination among multiple federal agencies (HHS, Labor, and Treasury).
7. Additionally, undersigned counsel for Defendants has significant litigation commitments in the near term, including multiple preliminary injunction proceedings scheduled for January.

8. A response to the complaint is presently due December 17, 2018.
9. Counsel for Plaintiffs has informed Defendants that they do not oppose the requested extension. There is therefore no risk of undue prejudice from this extension.
10. This extension is not sought for purposes of delay, but in order that justice may be served.

WHEREFORE, Defendants respectfully request that the Court grant their motion for extension of time. A proposed order is being emailed to Chambers concurrent with the filing of this motion.

Dated: December 13, 2018

Respectfully submitted,

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/s/ Daniel Riess  
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**CERTIFICATE OF SERVICE**

On December 13, 2018, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) or the local rules.

/s/ Daniel Riess  
Daniel Riess